

## **R430. Health, Health Systems Improvement, Child Care Licensing.**

### **R430-50. Residential Certificate Child Care.**

#### **R430-50-1. Legal Authority and Purpose.**

This rule is promulgated pursuant to Title 26, Chapter 39. This rule establishes standards for the operation and maintenance of residentially certified child care providers who care for one to eight children in their home. It establishes minimum requirements for the health and safety of children in the care of residentially certified providers.

#### **R430-50-2. Definitions.**

- (1) "Body fluid" means blood, urine, feces, vomit, mucus, and saliva.
- (2) "Certificate holder" means the person holding a Department of Health child care certificate.
- (3) "Department" means the Utah Department of Health.
- (4) "Emotional abuse" means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.
- (5) "Health care provider" means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.
- (6) "Inaccessible to children" means:
  - (a) locked, such as in a locked room, cupboard or drawer;
  - (b) secured with a child safety device, such as a child safety cupboard lock or doorknob device;
  - (c) behind a properly secured child safety gate;
  - (d) located in a cupboard or on a shelf more than 36 inches above the floor; or
  - (e) not in any location in a bathroom where a child could reach, including by climbing on a toilet, bathtub, or counter.
- (7) "Infant" means a child aged birth through 11 months of age.
- (8) "Infectious disease" means an illness that is capable of being spread from one person to another.
- (9) "Over-the-counter medication" means medication that can be purchased without a written prescription. This includes herbal remedies and vitamin and mineral supplements.
- (10) "Parent" means the parent or legal guardian of a child in care.
- (11) "Physical abuse" means causing nonaccidental physical harm to a child.
- (12) "Preschooler" means a child aged 2 through 4, and 5 year olds who have not yet started kindergarten.
- (13) "Provider" means the certificate holder or a substitute.
- (14) "Related children" means children for whom a provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.
- (15) "Sanitize" means to reduce the number of germs on a surface to such a level that disease transmission by that surface is unlikely.
- (16) "School age" means kindergarten and older age children.
- (17) "Sexual abuse" means abuse as provided in Utah Code, Section 76-5-404.1.
- (18) "Sexually explicit material" means any depiction of sexually explicit conduct, as defined in Utah Code, Section 76-5a-2(8).
- (19) "Sleeping equipment" means a cot, mat, crib, bassinet, porta-crib, play pen, or bed.
- (20) "Stationary play equipment" means equipment such as a climber, a slide, a swing, a merry-go-round, or a spring rocker that is meant to stay in one location when a child uses it. Stationary play equipment does not include:

- (a) a sandbox;
  - (b) a stationary circular tricycle;
  - (c) a sensory table; or
  - (d) a playhouse, if the playhouse has no play equipment, such as a slide, swing, ladder, or climber attached to it.
- (21) "Strangulation hazard" means something on a component of playground equipment on which a child's clothes or something around a child's neck could become caught. For example, bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks.
  - (22) "Supervision" means the function of observing, overseeing, and guiding a child or group of children.
  - (23) "Substitute" means a person who assumes the certificate holder's duties under this rule when the certificate holder is not present. This includes emergency substitutes.
  - (24) "Toddler" means a child aged 12 months but less than 24 months.
  - (25) "Unrelated children" means children who are not related children.
  - (26) "Use zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land.
  - (27) "Volunteer" means a person who provides direct care to a child but does not receive direct or indirect compensation for doing so. A volunteer is not included in the provider to child ratio.

#### **R430-50-3. Certificate Required.**

- (1) A person must either be certified under this rule or licensed under R430-90, if he or she:
  - (a) provides care in lieu of care ordinarily provided by a parent;
  - (b) provides care for five or more unrelated children;
  - (c) provides care for four or more hours per day;
  - (d) has a regularly scheduled, ongoing enrollment; and
  - (e) provides care for direct or indirect compensation.
- (2) The Department does not issue certificates, nor is a certificate required for:
  - (a) a person who cares for related children only; or
  - (b) a person who provides care on a sporadic basis only.

#### **R430-50-4. Indoor Environment.**

- (1) The certificate holder shall ensure that any building or playground structure on the premises constructed prior to 1978 which has peeling, flaking, chalking, or failing paint is tested for lead based paint. If lead based paint is found, the certificate holder shall contact the local health department and follow all required procedures for the remediation of the lead based paint hazard.
- (2) There shall be a working toilet and a working handwashing sink accessible to each non-diapered child in care.
- (3) Each school age child shall have privacy when using the bathroom.
- (4) The home shall be ventilated by mechanical ventilation, or by windows that open and have screens.
- (5) The certificate holder shall maintain adequate light intensity for the safety of children and the type of activity being conducted and shall keep the lighting equipment in good working condition.
- (6) For certificate holders who receive an initial certificate after 1 September 2008 there shall be at least 35 square feet of indoor play space for each child, including the providers' related children who are ages four through twelve and not counted in the provider to child ratios.
- (7) Indoor space per child may include floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:

- (a) by children;
  - (b) for the care of children; or
  - (c) to store children's materials.
- (8) Bathrooms, closets, hallways, and entryways are not included when calculating indoor space for children's use.

**R430-50-5. Cleaning and Maintenance.**

- (1) The certificate holder shall ensure that a clean and sanitary environment is maintained.
- (2) The certificate holder shall take safe and effective measures to prevent and eliminate the presence of insects, rodents, and other vermin.
- (3) The certificate holder shall maintain ceilings, walls, floor coverings, draperies, blinds, furniture, fixtures, and equipment in good repair to prevent injury to children.
- (4) The certificate holder shall ensure that entrances, exits, steps and outside walkways are maintained in a safe condition, and free of ice, snow, and other hazards.

**R430-50-6. Outdoor Environment.**

If there is an outdoor play area used by children in care, the following rules apply:

- (1) The outdoor play area shall be safely accessible to children.
- (2) For certificate holders who received an initial certificate after 1 September 2008, the outdoor play area shall have at least 40 square feet of space for each child using the space at one time.
- (3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or within a solid natural barrier that is at least 4 feet high if:
  - (a) the certificate holder's home is located on a street with a speed limit higher than 25 miles per hour, or within half a mile of a street with a speed limit higher than 25 miles per hour; or
  - (b) the certificate holder's home is located on a street with more than two lanes of traffic, or within half a mile of a street with more than two lanes of traffic.
- (4) If any of the following hazards exist, they must be located behind a 4 foot high fence, wall, or solid barrier that separates the hazard from the children's outdoor play area:
  - (a) livestock on the certificate holder's property or within 50 yards of the certificate holder's property line;
  - (b) a water hazard, such as a swimming pool, pond, ditch, lake, reservoir, river, stream, creek, or animal watering trough, on the certificate holder's property or within 100 yards of the certificate holder's property line;
  - (c) dangerous machinery, such as farm equipment, on the certificate holder's property or within 50 yards of the certificate holder's property line;
  - (d) a drop-off of more than 5 feet on the certificate holder's property or within 50 yards of the certificate holder's property line; or
  - (e) barbed wire within 30 feet of the children's play area.
- (5) The outdoor play area shall be free of poisonous plants, harmful objects, toxic or hazardous substances, and standing water.
- (6) When in use by children, the outdoor play area shall be free of animal excrement.
- (7) If a fence or barrier is required in Subsections (3) or (4) above, or in Subsections 12(9)(c)(i) or 12(10)(b) below, there shall be no gap greater than five inches in the fence or barrier, nor shall any gap between the bottom of the fence or barrier and the ground be greater than five inches.
- (8) The outdoor play area shall have a shaded area to protect each child from excessive sun and heat.
- (9) An outdoor source of drinking water, such as individually labeled water bottles, or a pitcher of water and individual cups that are taken outside, shall be available to each child whenever the outside

temperature is 75 degrees or higher.

- (10) Stationary play equipment used by any child in care shall not be located over hard surfaces such as cement, asphalt, or packed dirt.
- (11) The certificate holder shall ensure that children using outdoor play equipment use it safely and in the manner intended by the manufacturer.
- (12) There shall be no openings of a size greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment where the feet of any child in care whose head is entrapped in the opening cannot touch the ground.
- (13) There shall be no strangulation hazard on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.
- (14) There shall be no crush, shearing, or sharp edge hazards on, within the use zone of, or adjacent to the use zone of any piece of stationary play equipment.
- (15) The certificate holder shall ensure that outdoor play areas and outdoor play equipment are maintained to protect each child's safety.

**R430-50-7. Personnel.**

- (1) The certificate holder and all substitutes must:
  - (a) be at least 18 years of age; and
  - (b) have knowledge of and comply with all applicable laws and rules.
- (2) The certificate holder may make arrangements for a substitute who is at least 18 years old and who is capable of providing care, supervising children, and handling emergencies in the absence of the certificate holder.
- (3) Substitutes who care for children an average of 10 hours per week or more shall meet the first aid and CPR requirements of this rule.
- (4) In an unforeseeable emergency, such as a medical emergency requiring immediate care at a hospital or at an urgent care center or a lost child, the certificate holder may assign an emergency substitute who has not had a criminal background screening to care for the children. The certificate holder may use an emergency substitute for up to 24 hours for each emergency event.
  - (a) The emergency substitute shall be at least 18 years of age.
  - (b) The emergency substitute is not required to meet the training, first aid and CPR, and TB screening requirements of this rule.
  - (c) The emergency substitute cannot be a person who has been convicted of a felony or misdemeanor or has been investigated for abuse or neglect by any federal, state, or local government agency. The emergency substitute must provide a signed, written declaration to the certificate holder that he or she is not disqualified under this subsection.
  - (d) During the term of the emergency, the emergency substitute may be counted as a provider for the purpose of maintaining the required provider to child ratios.
  - (e) The certificate holder shall make reasonable efforts to minimize the time that the emergency substitute has unsupervised contact with the children in care.
- (5) Any new non-emergency substitute or volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the individual's file and shall include the following topics:
  - (a) the certificate holder's emergency and disaster plan;
  - (b) the current child care certificate rules found in Sections R430-50-11 through 24;
  - (c) a review of the information in the health assessment for each child in care;
  - (d) procedure for releasing children to authorized individuals only;
  - (e) proper clean up of body fluids;

- (f) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
  - (g) obtaining assistance in emergencies; and
  - (h) if the certificate holder accepts infants or toddlers for care, orientation training topics shall also include:
    - (i) preventing shaken baby syndrome and coping with crying babies; and
    - (ii) preventing sudden infant death syndrome.
- (6) The certificate holder shall complete a minimum of 10 hours of child care training each year, based on the certificate date. A minimum of 5 hours of the required annual training shall be face-to-face instruction.
- (a) Documentation of annual training shall be kept on file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.
  - (b) Annual training hours shall include the following topics at least once every two years:
    - (i) a review of all of the current child care certificate rules found in Sections R430-50-11 through 24;
    - (ii) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
    - (iii) principles of child growth and development, including development of the brain; and
    - (iv) positive guidance; and
  - (c) if the certificate holder accepts infants or toddlers for care, required training topics shall also include:
    - (i) preventing shaken baby syndrome and coping with crying babies; and
    - (ii) preventing sudden infant death syndrome.

**R430-50-8. Administration.**

- (1) The certificate holder is responsible for all aspects of the operation and management of the child care program.
- (2) The certificate holder shall comply with all federal, state, and local laws and rules pertaining to the operation of a child care program.
- (3) The certificate holder shall not engage in or allow conduct that is adverse to the public health, morals, welfare, and safety of the children in care.
- (4) The certificate holder shall take all reasonable measures to protect the safety of each child in care. The certificate holder shall not engage in activity or allow conduct that unreasonably endangers any child in care.
- (5) Either the certificate holder or a substitute with authority to act on behalf of the certificate holder shall be present whenever there is a child in care.
- (6) Each week, the certificate holder shall be present at the home at least 50% of the time that one or more children are in care.
- (7) There shall be a working telephone in the home. The certificate holder shall inform the parents of each child in care and the Department of any changes to the certificate holder's telephone number within 48 hours of the change.
- (8) The certificate holder shall call the Department within 24 hours to report any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, unless an emergency medical transport was part of a child's individualized medical treatment plan identified by the parent. The certificate holder shall also mail or fax a written report to the Department within five days of the incident.
- (9) The certificate holder shall train and supervise all substitutes to:

- (a) ensure their compliance with this rule;
- (b) ensure they meet the needs of the children in care as specified in this rule; and
- (c) ensure that children are not subjected to emotional, physical, or sexual abuse while in care.

**R430-50-9. Records.**

- (1) The certificate holder shall maintain on-site for review by the Department during any inspection the following general records:
  - (a) current animal vaccination records as required in R430-50-22(1)(b);
  - (b) a six week record of child attendance, as required in R430-50-13(3);
  - (c) a current local health department kitchen inspection;
  - (d) an initial local fire department clearance for all areas of the home being used for care;
  - (e) approved initial "CBS/LIS Consent and Release of Liability for Child Care" form for all providers, volunteers, and each person age 12 and older who resides in the certificate holder's home;
  - (f) if the certificate holder has been certified for more than a year, the most recent criminal background "Disclosure Statement" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the certificate holder at any time since the last certificate renewal; and
  - (g) if the certificate holder has been certified for more than a year, the most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" which includes all providers, volunteers, and each person age 12 and older who resided in the home of the certificate holder at any time since the last certificate renewal.
- (2) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for each enrolled child:
  - (a) an admission form containing the following information for each child:
    - (i) name;
    - (ii) date of birth;
    - (iii) the parent's name, address, and phone number, including a daytime phone number;
    - (iv) the names of people authorized by the parent to pick up the child;
    - (v) the name, address and phone number of a person to be contacted in the event of an emergency if a provider is unable to contact the parent;
    - (vi) child health information, as required in R430-50-14(7); and
    - (vii) current emergency medical treatment and emergency medical transportation releases with the parent's signature;
  - (b) current immunization records or documentation of a legally valid exemption, as specified in R430-50-14(5) and (6);
  - (c) a completed transportation permission form, if transportation services are offered to any child in care; and
  - (d) a six week record of medication permission forms, and a six week record of medications actually administered, as specified in R430-50-17(3) and R430-50-17(5)(f), if medications are administered to any child in care.
- (3) The certificate holder shall maintain on-site for review by the Department during any inspection the following records for the certificate holder and each non-emergency substitute:
  - (a) orientation training documentation for all non-emergency substitutes as required in R430-50-7(5);
  - (b) annual training documentation for the past two years as required in R430-50-7(6)(a); and
  - (c) current first aid and CPR certification, as required in R430-50-10(2) and R430-50-20(3)(d).
- (4) The certificate holder shall maintain on-site for review by the Department during any inspection

orientation training documentation for each volunteer as required in R430-50-7(5).

- (5) The certificate holder shall ensure that information in any child's file is not released without written parental permission.

#### **R430-50-10. Emergency Preparedness.**

- (1) The certificate holder shall post the home's street address and emergency numbers, including ambulance, fire, police, and poison control, near the telephone.
- (2) The certificate holder and all substitutes who care for children an average of 10 hours per week or more shall maintain a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification. Equivalent CPR certification must include hands-on testing.
- (3) The certificate holder shall have an emergency and disaster plan which shall include at least the following:
  - (a) procedures for responding to medical emergencies and serious injuries that require treatment by a health care provider;
  - (b) procedures for responding to fire, earthquake, flood, power failure, and water failure;
  - (c) the location of and procedure for emergency shut off of gas, electricity, and water;
  - (d) procedures to be followed if a child is missing;
  - (e) the name and phone number of a substitute to be called in the event the certificate holder must leave the home for any reason; and
- (4) The certificate holder shall ensure that the emergency and disaster plan is followed in the event of an emergency.
- (5) The certificate holder shall conduct fire evacuation drills semi-annually. Drills shall include complete exit of all children and staff from the home.
- (6) The certificate holder shall conduct drills for disasters other than fires at least once every 12 months.
- (7) The certificate holder shall vary the days and times on which fire and other disaster drills are held.

#### **R430-50-11. Supervision and Ratios.**

- (1) The certificate holder or a substitute shall be physically present on-site and provide care and direct supervision of each child at all times, both indoors and outdoors. Direct care and supervision of each child includes:
  - (a) awareness of and responsibility for each child in care, including being near enough to intervene if needed;
  - (b) ensuring that there is a provider present inside the home when a child in care is inside the home, and a provider present in the outdoor play area when a child in care is outdoors, except as allowed in subsection (2) below for school age children; and
  - (c) monitoring of each sleeping infant in one of the following ways:
    - (i) by placing each infant for sleep in a location where the infant is within sight and hearing of a provider;
    - (ii) by in person observation of each sleeping infant at least once every 15 minutes; or
    - (iii) by using a Department-approved infant sleep monitoring device.
- (2) A provider shall actively supervise each child during outdoor play to minimize the risk of injury to a child. A provider may allow only school age children to play outdoors while the provider is indoors, if:
  - (a) a provider can hear the children playing outdoors; and
  - (b) the children playing outdoors are in an area completely enclosed within a 4 foot high fence or wall, or a solid natural barrier that is at least 4 feet high.
- (3) The certificate holder may permit a child to participate in supervised out of the home activities without the certificate holder if

- (a) the certificate holder has prior written permission from the child's parent for the child's participation; and
- (b) the certificate holder has clearly assigned the responsibility for the child's whereabouts and supervision to a responsible adult who accepts responsibility for the care and supervision of the child throughout the period of the out of home activity.
- (4) The maximum allowed number of children in care at any one time is eight children, including no more than two children under the age of two. The number of children in care includes the providers' own children under the age of four.
- (5) The total number of children in care may be further limited based on square footage, as found in Subsection R430-50-4(5) through(7).

**R430-50-12. Injury Prevention.**

- (1) The certificate holder shall ensure that the home, outdoor play area, toys, and equipment are maintained and used in a safe manner to prevent injury to children.
- (2) The certificate holder shall ensure that the indoor environment is free of tripping hazards such as unsecured flooring or cords in walkways.
- (3) Areas accessible to children shall be free of unstable heavy equipment, furniture, or other items that a child could pull down on himself or herself.
- (4) The following items shall be inaccessible to each child in care:
  - (a) firearms, ammunition, and other weapons on the premises. Firearms shall be stored separately from ammunition, in a cabinet or area that is locked with a key or combination lock, unless the use is in accordance with the Utah Concealed Weapons Act, or as otherwise allowed by law;
  - (b) tobacco, open containers of alcohol, illegal substances, and sexually explicit material;
  - (c) when in use: portable space heaters, fireplaces, and wood burning stoves;
  - (d) toxic or hazardous chemicals such as cleaners, insecticides, lawn products, and flammable materials;
  - (e) poisonous plants;
  - (f) matches or cigarette lighters;
  - (g) open flames;
  - (h) sharp objects, edges, corners, or points which could cut or puncture skin;
    - (i) for children age 4 and under, ropes, cords, chains, and wires long enough to encircle a child's neck, such as those found on window blinds or drapery cords;
  - (j) for children age 4 and under, empty plastic bags large enough for a child's head to fit inside, latex gloves, and balloons; and
  - (k) for children age 2 and under, toys or other items with a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches, or objects with removable parts that have a diameter of less than 1-1/4 inch and a length of less than 2-1/4 inches.
- (5) The certificate holder shall ensure that all toxic or hazardous chemicals are stored in a container labeled with its contents.
- (6) Electrical outlets and surge protectors accessible to children age four and younger shall have protective caps or safety devices when not in use.
- (7) Hot water accessible to children shall not exceed 120 degrees Fahrenheit.
- (8) High chairs shall have T-shaped safety straps or devices that are used whenever a child is in the chair.
- (9) If a wading pool is used:
  - (a) a provider must be at the pool supervising each child whenever there is water in the pool;
  - (b) diapered children must wear swim diapers and rubber pants whenever they are in the pool;



- (c) the pool shall be emptied and sanitized after each use; and
  - (d) before each child in care uses the pool, the certificate holder shall obtain parental permission for the child to use the pool.
- (10) If there is a swimming pool on the premises that is not emptied after each use:
- (a) a provider must be at the pool supervising each child whenever a child in care is using the pool or has access to the pool;
  - (b) diapered children must wear swim diapers and rubber pants whenever they are in the pool;
  - (c) the certificate holder shall ensure that children are protected from unintended access to the pool in one of the following ways:
    - (i) the pool is enclosed within a fence or other solid barrier at least four feet high that is kept locked whenever the pool is not in use by any child in care; or
    - (ii) the pool has a properly working safety cover that meets ASTM Standard F1346, and the safety cover is in place whenever the pool is not in use by any child in care;
  - (d) the certificate holder shall maintain the pool in a safe manner;
  - (e) the certificate holder shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool;
  - (f) if the pool is over six feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the certificate holder can demonstrate to the Department to be equivalent to Red Cross certification, any time any child in care has access to the pool; and
  - (g) before each child in care uses the pool, the certificate holder shall obtain parental permission for the child to use the pool.
- (11) If there is a hot tub on the premises with water in it, the certificate holder shall ensure that children in care are protected from unintended access to the hot tub in one of the following ways:
- (a) it shall have a properly working locking cover that is kept locked whenever there is any child in care on the premises; or
  - (b) it shall be surrounded by a four foot fence.
- (12) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:
- (a) A provider must be at the trampoline supervising its use whenever any child in care is on the trampoline.
  - (b) Only one person at a time may use a trampoline.
  - (c) No child in care shall be allowed to do somersaults or flips on the trampoline.
  - (d) The trampoline must have shock absorbing pads that completely cover its springs, hooks, and frame.
  - (e) The trampoline must be placed at least 6' away from any structure or object onto which a child could fall, including playground equipment, trees, and fences. If the trampoline is completely enclosed within properly installed netting that is in good repair and is at least 6' tall, and that is used as specified by the manufacturer, the trampoline must be placed at least 3' away from any structure or object onto which a child could fall, including playground equipment, trees, and fences.
  - (f) There shall be no ladders near the trampoline.
  - (g) No child in care shall be allowed to play under the trampoline when it is in use.
  - (h) A parent of each child in care who uses the trampoline shall sign a Department-approved permission form before his or her child uses the trampoline.
    - (i) The trampoline shall be placed over grass or six inches of protective cushioning, which shall extend six feet from the perimeter of the trampoline frame, or three feet from the

perimeter of the trampoline frame if a net is used as specified above in subsection (e).

**R430-50-13. Parent Notification and Child Security.**

- (1) The certificate holder shall either post or, upon enrollment, give each parent a copy of the Department's child care guide.
- (2) At all times when their child is in care, parents shall have access to those areas of the certificate holder's home and outdoor area that are used for child care.
- (3) The certificate holder shall ensure that a daily attendance record is maintained to document each enrolled child's attendance.
- (4) Only parents or persons with written authorization from the parent may pick up any child. In an emergency, a provider may accept verbal authorization if the provider can confirm the identity of the person giving the verbal authorization and the identity of the person picking up the child.
- (5) The certificate holder shall ensure that parents are informed of every incident, accident, or injury involving their child within 24 hours of occurrence.
- (6) In the case of a life threatening incident or injury to a child, or an incident or injury that poses a threat of the loss of vision, hearing, or a limb, a provider shall contact emergency personnel immediately, before contacting the parent. If the parent cannot be reached after emergency personnel have been contacted, a provider shall attempt to contact the child's emergency contact person.
- (7) If a child is injured and the injury appears serious but not life threatening, a provider shall contact the parent immediately.

**R430-50-14. Child Health.**

- (1) The certificate holder shall ensure that no child is subjected to physical, emotional, or sexual abuse while in care.
- (2) All providers shall follow the reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation found in Utah Code, Section 62A-4a-403 and 62A-4a-411.
- (3) The use of alcohol, illegal substances, or sexually explicit material on the premises or in vehicles used to transport children is prohibited any time that a child is in care.
- (4) At any time when a child is in care, the provider shall ensure that tobacco is not used:
  - (a) in the home, garage, or any other building used by a child in care;
  - (b) in any vehicle that is being used to transport a child in care;
  - (c) within 25 feet of any entrance to the home, garage, or any other building occupied by a child in care; or
  - (d) in any outdoor area where a child in care plays, or within 25 feet of any outdoor area where a child in care plays.
- (5) The certificate holder shall not enroll any child for care without documentation of:
  - (a) proof of current immunizations, as required by Utah law;
  - (b) proof of receiving at least one dose of each required vaccine prior to enrollment, and a written schedule to receive all subsequent required vaccinations; or
  - (c) written documentation of an immunization exemption due to personal, medical or religious reasons.
- (6) The certificate holder shall not provide ongoing care to a child without documentation of:
  - (a) proof of current immunizations as required by Utah law; or
  - (b) written documentation of an immunization exemption due to personal, medical or religious reasons.
- (7) The certificate holder shall not admit any child for care without the following written health information from the parent:

- (a) known allergies;
  - (b) acute and chronic medical conditions;
  - (c) instructions for special or non-routine daily health care;
  - (d) current medications; and,
  - (e) any other special health instructions for the certificate holder.
- (8) If the parent of a child in care has informed the provider that his or her child has a food allergy that child shall not be given the food or beverage they are allergic to.
  - (9) The certificate holder shall ensure that each child's parent reviews, updates, and signs or initials the child's health information at least annually.

**R430-50-15. Child Nutrition.**

- (1) If food service is provided:
  - (a) The certificate holder shall ensure that his or her meal service complies with local health department food service regulations.
  - (b) The current week's menu shall be available for parent review.
- (2) The certificate holder shall ensure that each child in care is offered a meal or a snack at least once every three hours.
- (3) Providers shall serve each child's food on dishes, napkins, or sanitary high chair trays, except for individual serving size items, such as crackers, if they are placed directly in the child's hands. The provider shall not place food on a bare table.
- (4) The certificate holder shall ensure that food and drink brought in by parents for an individual child's use is labeled with the child's name or another unique identifier, and refrigerated if needed. Children in care shall not be served food or beverages that were brought in for another child.

**R430-50-16. Infection Control.**

- (1) All providers and volunteers shall wash their hands with soap and running water at the following times:
  - (a) before handling or preparing food or bottles;
  - (b) before and after eating meals and snacks or feeding a child;
  - (c) after diapering each child;
  - (d) after using the toilet or helping a child use the toilet;
  - (e) after coming into contact with any body fluid;
  - (f) after playing with or handling animals;
  - (g) when coming in from outdoors; and
  - (h) before administering medication.
- (2) The certificate holder shall ensure that each child washes his or her hands with soap and running water at the following times:
  - (a) before and after eating meals and snacks;
  - (b) after using the toilet;
  - (c) after coming into contact with any body fluid; and
  - (d) when coming in from outdoors.
- (3) During outdoor play time, the requirements of Subsections (1) and (2) may be met by having each provider, volunteer, and child clean his or her hands with individual disposable wet wipes and hand sanitizer.
- (4) The certificate holder shall ensure that toilet paper is accessible to each child, and that it is kept in a dispenser.
- (5) The certificate holder shall ensure that children are taught proper hand washing techniques, and shall

- oversee hand washing whenever possible.
- (6) Personal hygiene items such as toothbrushes, or combs and hair accessories that are not sanitized between each use, shall not be shared by children or used by a provider on more than one child. Each child's items shall be stored so that they do not touch another child's items.
  - (7) The certificate holder shall ensure that all washable toys and materials are cleaned and sanitized as needed.
  - (8) Stuffed animals, cloth dolls, and dress-up clothes must be machine washable. Pillows must be machine washable, or have removable covers that are machine washable. The certificate holder shall ensure that all stuffed animals, cloth dolls, dress-up clothes, and pillows or covers are washed after each 5 days of use, or more often if needed.
  - (9) If a water play table or tub is used, the certificate holder shall ensure that the table or tub is washed and sanitized daily, and that each child washes his or her hands prior to engaging in the activity.
  - (10) Persons with contagious TB shall not work with, assist with, or be present with any child in care.
  - (11) A provider shall promptly change a child's clothing if the child has a toileting accident.
  - (12) If a child uses a potty chair, the certificate holder shall ensure that it is cleaned and sanitized after each use.
  - (13) Except for diaper changes, which are covered in Section R430-50-23, the certificate holder shall ensure that the following precautions are taken when cleaning up blood, urine, feces, and vomit.
    - (a) The person cleaning up the substance shall wear waterproof gloves;
    - (b) the surface shall be cleaned using a detergent solution;
    - (c) the surface shall be rinsed with clean water;
    - (d) the surface shall be sanitized;
    - (e) if disposable materials such as paper towels or other absorbent materials are used to clean up the body fluid, they shall be disposed of in a leakproof plastic bag;
    - (f) if non-disposable materials, such as a cleaning cloth, mop, or re-usable rubber gloves are used to clean up the body fluid, they shall be washed and sanitized before reuse; and
    - (g) the person cleaning up the fluid shall wash his or her hands after cleaning up the body fluid.
  - (14) The certificate holder shall ensure that any child who is ill with an infectious disease is separated from any other children in care in a safe, supervised location.
  - (15) The certificate holder shall ensure that a parent of any child who becomes ill after arrival is contacted as soon as the illness is observed or suspected.
  - (16) The certificate holder shall ensure that the parents of every child in care are informed when any person in the home or child in care has an infectious disease or parasite. Parents shall be notified the day the infectious disease or parasite is discovered.

#### **R430-50-17. Medications.**

- (1) All over-the-counter and prescription medications shall:
  - (a) be labeled with the child's name;
  - (b) be kept in the original or pharmacy container;
  - (c) have the original label; and,
  - (d) have child-safety caps.
- (2) The certificate holder shall ensure that all non-refrigerated over-the-counter and prescription medication is inaccessible to children. The certificate holder shall ensure that all refrigerated over-the-counter and prescription medication is placed in a waterproof container to avoid contamination between food and medication.
- (3) The certificate holder shall have a written medication permission form completed and signed by the parent prior to the administering of any over-the-counter or prescription medication brought in by a

parent for his or her child. The permission form must include:

- (a) the name of the child;
  - (b) the name of the medication;
  - (c) written instructions for administration; including:
    - (i) the dosage;
    - (ii) the method of administration;
    - (iii) the times and dates to be administered; and
    - (iv) the disease or condition being treated; and
  - (d) the parent signature and the date signed.
- (4) If the certificate holder keeps over-the-counter medication that is not brought in by a parent for his or her child's use, the medication shall not be administered to any child without prior parental consent for each instance it is given. The consent must be either:
- (a) prior written consent; or
  - (b) oral consent for which a provider documents in writing the date and time of the consent, and which the parent signs upon picking up the child.
- (5) When administering medication, the person administering the medication shall:
- (a) wash his or her hands;
  - (b) if the parent supplies the medication, check the medication label to confirm the child's name;
  - (c) if the parent supplies the medication, compare the instructions on the parent release form with the directions on the prescription label or product package to ensure that a child is not given a dosage larger than that recommended by the health care provider or the manufacturer;
  - (d) if the certificate holder supplies the medication, check the product package to ensure that a child is not given a dosage larger than that recommended by the manufacturer;
  - (e) administer the medication; and
  - (f) immediately record the following information:
    - (i) the date, time, and dosage of the medication given;
    - (ii) the signature or initials of the provider who administered the medication; and,
    - (iii) any errors in administration or adverse reactions.
- (6) The certificate holder shall ensure that any adverse reaction to a medication or any error in administration is reported to the parent immediately upon recognizing the error or reaction, or after notifying emergency personnel if the reaction is life threatening.

#### **R430-50-18. Napping.**

- (1) Sleeping equipment may not block exits at any time.

#### **R430-50-19. Child Discipline.**

- (1) The certificate holder shall inform non-emergency substitutes, parents, and children of the certificate holder's behavioral expectations for children.
- (2) A provider may use gentle, passive restraint with a child only when it is needed to stop the child from injuring himself or herself or others or from destroying property.
- (3) Disciplinary measures shall not include any of the following:
  - (a) any form of corporal punishment such as hitting, spanking, shaking, biting, pinching, or any other measure that produces physical pain or discomfort;
  - (b) restraining a child's movement by binding, tying, or any other form of restraint that exceeds that specified in Subsection (2) above;
  - (c) shouting at any child;

- (d) any form of emotional abuse;
- (e) forcing or withholding of food, rest, or toileting; and,
- (f) confining a child in a closet, locked room, or other enclosure such as a box, cupboard, or cage.

**R430-50-20. Activities.**

- (1) The certificate holder shall offer daily activities to support each child's healthy physical, social-emotional, and cognitive-language development.
- (2) The certificate holder shall ensure that the toys and equipment necessary to carry out the activities are accessible to children.
- (3) If off-site activities are offered:
  - (a) the certificate holder shall obtain parental consent for off-site activities in advance;
  - (b) the certificate holder shall accompany the children and shall take a copy of each child's emergency contact information.
  - (c) the certificate holder shall maintain required provider to child ratios and direct supervision during the activity;
  - (d) at least one provider present shall have a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification. Equivalent CPR certification must include hands-on testing. And
  - (e) the certificate holder shall ensure that there is a way for each provider, volunteer, and child to wash his or her hands as specified in R430-50-16(1) and (2). If there is no source of running water, providers, volunteers, and children may clean their hands with individual disposable wet wipes and hand sanitizer.
- (4) If off-site swimming activities are offered, providers shall remain with the children during the activity, and lifeguards and pool personnel shall not count toward the provider to child ratio.

**R430-50-21. Transportation.**

- (1) Any vehicle used for transporting any child in care shall:
  - (a) be enclosed;
  - (b) be equipped with individual, size appropriate safety restraints, properly installed and in working order, for each child being transported;
  - (c) be maintained in a safe condition and have a current vehicle registration and safety inspection;
  - (d) be maintained in a clean condition; and
  - (e) maintain temperatures between 60-90 degrees Fahrenheit when in use;
- (2) The adult transporting any child in care shall:
  - (a) have and carry with him or her a current valid Utah driver's license, for the type of vehicle being driven, whenever he or she is transporting any child in care;
  - (b) have with him or her a copy of each child's emergency contact information;
  - (c) ensure that each child in care being transported is wearing an appropriate individual safety restraint;
  - (d) ensure that each child is always attended by an adult while in the vehicle;
  - (e) ensure that all children remain seated while the vehicle is in motion;
  - (f) ensure that keys are never left in the ignition when the driver is not in the driver's seat; and
  - (g) ensure that the vehicle is locked during transport.

**R430-50-22. Animals.**

- (1) The certificate holder shall inform parents of the types of animals permitted on the premises.
- (2) The certificate holder shall ensure that all animals on the premises are accessible to any child in

care:

- (a) are clean and free of obvious disease or health problems that could adversely affect any child in care; and
  - (b) have current vaccinations for all vaccine preventable diseases that are transmissible to humans. The certificate holder shall have documentation of the vaccinations.
- (3) The certificate holder shall ensure that there is no animal on the premises that has a history of dangerous, attacking, or aggressive behavior, or a history of biting even one person.
  - (4) The certificate holder shall ensure that no child in care assists with the cleaning of animals or animal cages, pens, or equipment.
  - (5) The certificate holder shall ensure that there is no animal or animal equipment in food preparation or eating areas during food preparation or eating times.
  - (6) The certificate holder shall ensure that no child in care handles reptiles or amphibians while in care.

#### **R430-50-23. Diapering.**

If children in care are diapered on the premises, the following applies:

- (1) The diapering area shall not be located in a food preparation or eating area.
- (2) Children shall not be diapered directly on the floor, or on any surface used for another purpose.
- (3) The diapering surface shall be smooth, waterproof, and in good repair.
- (4) A provider shall clean and sanitize the diapering surface after each diaper change, or use a disposable non-permeable diapering surface that is thrown away after each diaper change.
- (5) The provider shall wash his or her hands after each diaper change.
- (6) The provider shall place soiled disposable diapers in a container that has a plastic lining and a tightly fitting lid, or place soiled diapers directly in an outdoor garbage container that has a tightly fitting lid or is inaccessible to children.
- (7) The certificate holder shall ensure that each child's diaper is checked at least once every two hours, and that each child's diaper is changed promptly if it is wet or soiled. If a child is napping at the end of a two-hour period, the child's diaper must be checked when the child awakes.

#### **R430-50-24. Infant and Toddler Care.**

If the certificate holder cares for infants or toddlers, the following applies:

- (1) If an infant is not able to sit upright and hold his or her own bottle, a provider shall hold the infant during bottle feeding. Bottles shall not be propped.
- (2) A provider shall clean and sanitize high chair trays prior to each use.
- (3) A provider shall cut solid foods for infants into pieces no larger than 1/4 inch in diameter. A provider shall cut solid foods for toddlers into pieces no larger than 1/2 inch in diameter.
- (4) If there is more than one infant or toddler in care, baby food, formula, and breast milk for each child that is brought from home must be labeled with the child's name or another unique identifier.
- (5) Baby food, formula, and breast milk that is brought from home for an individual child's use must be:
  - (a) kept refrigerated if needed; and
  - (b) discarded within 24 hours of preparation or opening, except that powdered formula or dry foods which are opened, but are not mixed, are not considered prepared.
- (6) The certificate holder shall ensure that formula and milk, including breast milk, is discarded after each feeding, or within two hours of initiating a feeding.
- (7) To prevent burns, a provider shall shake each heated bottle and test it for temperature before the bottle is fed to a child.
- (8) If there is more than one infant or toddler in care, pacifiers and bottles shall be:
  - (a) labeled with each child's name or another unique identifier; or

- (b) washed and sanitized after each individual use, before use by another child.
- (9) The certificate holder shall ensure that only one infant or toddler occupies any one piece of equipment, such as a crib, playpen, stroller, or swing, at any time, unless the equipment has individual seats for more than one child.
- (10) The certificate holder shall ensure that infants sleep in equipment designed for sleep, such as a crib, bassinet, porta-crib or play pen. The certificate holder shall ensure that infants are not placed to sleep on mats or cots, or in bouncers, swings, car seats, or other similar pieces of equipment, unless the certificate holder has written permission from the infant's parent.
- (11) The certificate holder shall ensure that each crib used by a child in care:
  - (a) has a tight fitting mattress;
  - (b) has slats spaced no more than 2-3/8 inches apart;
  - (c) has at least 20 inches from the top of the mattress to the top of the crib rail, or at least 12 inches from the top of the mattress to the top of the crib rail if the child using the crib cannot sit up without assistance; and
  - (d) does not have strings, cords, ropes, or other entanglement hazards strung upon the crib rails or within reach of the child.
- (12) The certificate holder shall ensure that infants are not placed on their stomachs for sleeping, unless there is documentation from a health care provider for treatment of a medical condition.
- (13) The certificate holder shall ensure that each infant and toddler is allowed to follow his or her own pattern of sleeping and eating.
- (14) Infant walkers with wheels are prohibited.
- (15) The certificate holder shall ensure that infants and toddlers do not have access to objects made of styrofoam.
- (16) The certificate holder shall ensure that a provider responds as promptly as possible to infants and toddlers who are in emotional distress due to conditions such as hunger, fatigue, wet or soiled diapers, fear, teething, or illness.
- (17) The certificate holder shall ensure that awake infants and toddlers receive positive physical stimulation and positive verbal interaction with a provider at least once every 20 minutes.
- (18) The certificate holder shall ensure that awake infants and toddlers are not confined for more than 30 minutes in one piece of equipment, such as swings, high chairs, cribs, play pens, or other similar pieces of equipment.
- (19) The certificate holder shall ensure that mobile infants and toddlers have freedom of movement in a safe area.
- (20) To stimulate their healthy development, there shall be safe toys accessible to infants and toddlers. The certificate holder shall ensure that there are enough toys for each child in the group to be engaged in play with toys.
- (21) The certificate holder shall ensure that all toys used by infants and toddlers are cleaned and sanitized:
  - (a) weekly;
  - (b) after being put in a child's mouth before another child uses it; and
  - (c) after being contaminated by any body fluid.

**KEY: child care facilities**

**Date of Enactment or Last Substantive Amendment: January 1, 2013**

**Notice of Continuation: June 6, 2008**

**Authorizing, and Implemented or Interpreted Law: 26-39**